

THE BOROUGH OF BLACKBURN WITH DARWEN  
(SHAW STREET, BLACKBURN)  
(TRAFFIC MANAGEMENT) ORDER 2009

The Blackburn with Darwen Borough Council in exercise of the powers under the Road Traffic Regulation Act 1984, the Road Traffic Act 1991 and the Traffic Management Act 2004 and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984, hereby makes the following Order:

PART 1 - GENERAL

1. This Order shall come into operation on the 14<sup>th</sup> day of December 2009 and may be cited as "The Borough of Blackburn with Darwen (Shaw Street, Blackburn)(Traffic Management) Order 2009

2. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

"goods" includes postal packets of any description; and "delivering" and "collecting" in relation to any goods include checking the goods for the purpose of their delivery or collection

"goods vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer

"passenger vehicle" means a motor vehicle (other than a motor cycle or an invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver and not drawing a trailer;

"owner" in relation to a vehicle, means the person by whom such vehicle is kept and used

"permit" means a permit issued under the provision of Article 5 of this Order in pursuance of Section 4(2) of the Road Traffic Regulation Act 1984

"permit holder" means a person to whom a permit has been issued under the provisions of Article 5 of this Order

"relevant position" means

- (i) in the case of a vehicle fitted with a front windscreen, the badge exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen;
- (ii) in the case of a vehicle not fitted with a front windscreen, the badge exhibited in a conspicuous position on the front or near side of the vehicle.

"disabled person's vehicle" has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000, as amended:

"parking disc" means a disc, issued by a local authority, complying with the requirements of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000, as amended.

- 2 (2) A vehicle displays a disabled person's badge in the relevant position if
- (a) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from outside the vehicle; or
  - (b) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle.

A vehicle displays a parking disc in the relevant position if -

- (a) in the case of a vehicle fitted with a dashboard or fascia panel, the disc is exhibited thereon so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle; or
  - (b) in the case of a vehicle not so fitted, the disc is exhibited in a conspicuous position on the vehicle so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle.
2. (3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

## PART II

### DESIGNATED PARKING PLACES

#### Designation of Parking Places

3. Each area on a highway which is described as a designated parking place in Schedule 1 to this Order is designated as a parking place for use, subject to the provisions of this Order, by the classes of vehicle specified in paragraph 1 of Article 5 of this Order.

#### Vehicles for which Parking Places are Designated

4. Each parking place may be used, subject to the provisions of this Order, for the leaving at any time of such vehicles as display in the manner specified in Article 12 of this Order a valid permit issued by the Council in respect of that vehicle.

#### Application for and Issue of Permits

5. (1) Any resident in any of the properties, or the owner of any non-residential property, listed in Schedule 2 to this Order who is the owner of a passenger vehicle, a dual purpose vehicle, a goods vehicle or a motor cycle, may apply to the Council for the issue of a permit to drive the vehicle on the streets or lengths of street specified in Schedule 1 and for the leaving of that vehicle between the hours of 8.00am and 6.00pm on any day other than a Sunday in a parking space in any parking place or street designated in Schedule 1 and any application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied and shall be accompanied by a remittance for such charge specified in Article 9 of this Order as is appropriate in respect of the permit for which application is being made.
- (2) The Council may at any time require an applicant for a permit to produce to an Officer of the Council such evidence in respect of an application for a permit made to it as it may reasonably require to verify any particulars or information given to it.
- (3) On receipt of an application duly made under the foregoing provisions of this Article, and of the fee specified in Article 9 of this Order, the Council, upon being satisfied that the applicant qualifies for a permit under paragraph (1) of this Article, shall issue to the applicant :-

one permit for the driving of the vehicle on the streets or lengths of street specified in Schedule 1, and leaving of the vehicle to which such permit relates at any time in a parking space in any parking place designated in Schedule 1, of this Order by the owner of such vehicle or by any person using such vehicle with the consent of the owner other than a person to whom such vehicle has been let for hire or reward. Provided that, subject to the provisions of Article 7 of this Order, the Council shall not issue a permit to any resident which would be valid for any period during which any other permit issued to that resident is or would be valid;

#### Surrender, Withdrawal and Validity of Permits

6. (1) A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any one of the events set out in paragraph (3) of this Article.
- (2) The Council may, by notice in writing served on the permit holder by delivery by hand or by the sending of the same by the recorded delivery service to the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's place of abode, withdraw a permit if it appears to the Council that any one of the events set out in paragraph (3)(a), (3)(b) or (3)(d) of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice, such receipt, if the notice is sent by the recorded delivery service, to be deemed to have occurred in the normal course of post.
- (3) The events referred to in the foregoing provisions of this Article are:

- (a) the permit holder ceasing to be a resident or the owner of a non-residential property;
  - (b) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;
  - (c) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of a class specified in Article 5 of this Order;
  - (d) the issue of a replacement permit by the Council under the provisions of Article 7 of this Order;
  - (e) until such time as the Council decides to issue new permits;
  - (f) the permit ceasing to be valid pursuant to the provisions of paragraph (4) of this Article.
- (4) All permits shall be issued for a maximum period of one year and shall, whenever issued, be valid only until the occurrence of any one of the events set out in paragraphs (3)(a), (3)(b), (3)(c), (3)(d) or (3)(e) of this Article, whichever is the earlier.
- (5) Where a permit is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the permit shall cease to be of any effect and the Council shall by notice in writing served on the person to whom such permit was issued by delivery by hand or by the sending of the same by the recorded delivery service to the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's place of abode, require that person to surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice, such receipt, if the notice is sent by the recorded delivery service, to be deemed to have occurred in the normal course of post.
- (6) The Council may at any time require a permit holder to produce to an officer of the Council such evidence in respect of any permit issued by it as it may reasonably require.

#### Application for and Issue of Replacement Permits

7. (1) If a permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the Council and may apply to the Council for the issue to him of a replacement permit and the Council, upon the receipt of the permit, if such receipt is accompanied by an application for a replacement permit, shall issue a replacement permit so marked and upon such issue the permit shall become invalid.
- (2) If a permit is lost or accidentally destroyed, the permit holder may apply to the Council for the issue to him of a replacement permit, and the Council, upon being satisfied as to such loss or destruction, and upon receipt of an application for a

replacement permit, shall issue a replacement permit so marked and upon such issue the permit shall become invalid.

- (3) The provisions of this Order shall apply to a replacement permit and an application therefor as if it were a permit or as the case may be an application therefor.

#### Form of Permits

8. A permit shall be in writing and shall include the following particulars:-
- (a) the registration mark of the vehicle in respect of which the permit has been issued;
  - (b) the date after which, subject to the provisions of Article 6(3) of this Order, the permit shall no longer be valid;
  - (c) an authentication that the permit has been issued by the Council;

#### Amount of Charge for a Permit

9. The charge in connection with the issue of a permit for driving on the streets or for the leaving of a vehicle in any parking place designated by this Order shall be in accordance with the sums specified in Schedule 3 to this Order or such other sums as may from time to time be determined by the Council.

#### Payment of the Charge in connection with the Issue of Permits

10. (1) The charge in respect of the issue of a permit shall be payable in accordance with the provisions of Articles 5(1) and 9 of this Order.
- (2) No person shall be entitled to a refund of the charge paid in respect of the issue of a permit in any circumstances whatsoever.

#### Replacement of Permits on Change of Vehicle

11. Replacement permits will be issued free of charge on application to the Council in respect of a change of vehicle, provided that the replacement vehicle is of a class specified in Article 5(1) of this Order.
12. At all times during which a vehicle is left in a parking place there shall be displayed in the relevant position a valid permit issued in respect of that vehicle so that all the particulars referred to in Article 8 of this Order are readily visible from the front or near side of the vehicle.

#### Restriction on the Removal of Permits

13. Where a permit has been displayed on a vehicle in accordance with the provisions of Article 12 of this Order, no person, not being the driver of the vehicle, shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle.

#### Placing of Traffic Signs

14. The Council shall:-

- (a) cause the limits of each parking place and of each parking space to be indicated on the carriageway by placing and maintaining thereon the appropriate traffic signs;
- (b) place and maintain on or in the vicinity of each parking place appropriate traffic signs for indicating that such parking place may be used, subject to the provisions of this Order, for the leaving of the vehicles specified in this Order; and
- (c) carry out such other work as is reasonably required for the purposes of the satisfactory operation of this Order.

#### Manner of Standing in Parking Places

15. Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall so stand -

so that every part of the vehicle is within the limits of a parking bay or space.

#### Alteration of Position of Vehicle in Parking Places

16. Where any vehicle is standing in a parking place in contravention of the provisions of the last preceding Article of this Order a civil enforcement officer may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

#### Removal of Vehicles from Parking Places

17. Where a civil enforcement officer is of the opinion that any of the provisions contained in Article 21(3) of this Order have been contravened or not complied with in respect of a vehicle left in a parking place, he may remove or cause to be removed the vehicle from the parking place, and where it is so removed, shall provide for the safe custody of the vehicle.

#### Movement of Vehicles in Parking Places in Emergencies

18. A police constable in uniform or a civil enforcement officer may move or cause to be moved, in case of emergency, to any place he thinks fit, any vehicle left in a parking place.

#### Power to Suspend Use of Parking Places

19. (1) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary:-
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
  - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe

or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus or traffic sign;

- (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
  - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed.
- (2) A police constable in uniform may suspend for not longer than twenty-four hours the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
  - (3) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) or paragraph (2) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place or the part thereof the use of which is suspended, a traffic sign indicating that waiting by vehicles is prohibited.
  - (4) No person shall cause or permit a vehicle to be left in any parking place or part of a parking place during such period as there is in or adjacent to that parking place or part of a parking place a traffic sign placed in pursuance of paragraph (3) of this Article:

Provided that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police purposes or any vehicle being used for any purpose specified in Article 21(1)(b) or (d) of this Order to be left in a parking place or part of a parking place during any such period, or to cause or permit any other vehicle to be so left if that vehicle is left with the permission (i) of the person suspending the use of the parking place or the part thereof in pursuance of paragraph (1) of this Article, (ii) of a police constable in uniform or (iii) of a civil enforcement officer.

#### Restriction of Use of Vehicles at Parking Places

- 20. (1) No person shall use any vehicle, while it is in a parking place, in connection with the sale of any article to any person in or near the parking place or in connection with the selling or offering for sale of his skill or his services in any other capacity:

Provided that nothing in this paragraph shall prevent the sale of goods from a vehicle if the vehicle is a passenger vehicle, a dual purpose vehicle, a goods vehicle or a motor cycle and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected.

- (2) The driver of a vehicle using a parking place shall stop the engine of the vehicle as soon as the vehicle is in the proper position in the parking place and shall not start

the engine except when about to change the position of the vehicle in or to depart from the parking place.

Waiting of Other Vehicles in Parking Places

21. (1) Notwithstanding the foregoing provisions of this Order, any vehicle may wait anywhere on the carriageway in a parking place (other than a parking place or part of a parking place the use of which has been suspended, under Article 19 of this Order) for so long as may be necessary if:
- (a) The vehicle is waiting to enable a person to board or alight from the vehicle;
  - (b) the vehicle is being used for the purpose of collecting or delivering of postal packets as defined by Section 87 of the Post Office Act 1953;
  - (c) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or waiting in order to avoid an accident;
  - (d) the vehicle is a vehicle used for fire brigade purposes or an ambulance, or a vehicle (other than a passenger vehicle) in the service of a local authority or a vehicle in the service of a police force in either case being used in pursuance of statutory powers or duties;
  - (e) the vehicle is waiting to enable it to be used in connection with the removal of any obstruction to traffic;
  - (f) the vehicle, not being a passenger vehicle, is waiting to enable it to be used for any purpose specified in paragraph (1)(b) of Article 19 of this Order;
  - (g) the vehicle, not being a passenger vehicle, is in actual use in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
  - (h) the vehicle is in actual use at premises adjacent to a parking place in connection with a wedding or a funeral.
  - (j) The vehicle is being used by visiting medical practitioners, nurses, midwives or home helps in connection with bona-fide business at properties within the zone.
- (2) Any vehicle waiting in a parking place in accordance with the foregoing provisions of this Article shall be exempt from the payment of any charge specified or the acquisition and the display of a permit referred to in this Order.
- (3) Except as provided in the foregoing provisions of this Article the driver of a vehicle in respect of which a valid permit is not in force shall not cause or permit the vehicle to wait in a parking place at any time.



- (4) Without prejudice to the generality of this Article, a vehicle to which paragraphs (1) and (2) of this Article apply shall so far as is reasonably practicable stand in the parking place in accordance with the provisions of Article 15 of this Order and wholly within the limits of that place.
- (5) Nothing in the foregoing provisions of this Article shall be taken as authorising anything which would be in contravention of any regulations made or having effect as if made under Section 25 of the Act of 1984.

PART III  
LIMITED WAITING  
MONDAY TO SATURDAY 8.00AM - 6.00PM  
2 HOURS NO RETURN WITHIN 2 HOURS

22. Save as provided by the provisions of this Order no person, other than a Permit Holder, shall, except on the direction of or with the permission of a Police Officer in uniform or of a civil enforcement officer, cause or permit any vehicle to wait between the hours of 8.00am and 6.00pm on any day other than a Sunday on the sides of road or in any lengths of road specified in Schedule 4:-

- (a) for a longer period than 2 hours; or
- (b) if a period of less than 2 hours has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle on the same side of road or length of road

23(1) Nothing in Article 22 shall render it unlawful to cause or permit any vehicle to wait in the lengths of road referred to therein for so long as may be necessary to:

- (a) enable a person to board or alight from the vehicle
- (b) if the vehicle is being used for the purpose of collecting or delivering of postal packets as defined by Section 87 of the Post Office Act 1953.

23(2) (a) Nothing in Article 22 shall render it unlawful to cause or permit any vehicle to wait in the lengths of road referred therein if it cannot be conveniently used for such purpose in any other road, to be used in connection with any of the following operations, namely

- (i) building maintenance, industrial or demolition operations;
- (ii) the removal of any obstruction to traffic;
- (iii) the maintenance, improvement or reconstruction of the said lengths of road or side of road; or
- (iv) the laying, erection, alteration or repair in or in land adjacent to the said lengths of road or side of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in paragraph 1(i) of the Telecommunications Code contained in Schedule 2 to the Telecommunications Act 1984.

23(2) (b) the vehicle if cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority in pursuance of statutory powers or duties.

23(2) (c) the vehicle to be used for fire brigade, ambulance or police purposes.

23(3) Nothing in Article 22 shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge, and a parking disc (on which the driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began) to wait in any of the lengths of road or on the side of the road referred to in the Article for a period not exceeding three hours (being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length or on the same side of road on the same day).

23(4) Nothing in Article 22 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge to wait on the side of the roads or in the length of roads referred to in that Article.

23(5) Nothing in Article 22 shall render it unlawful to cause or permit a hackney carriage vehicle to wait at any place which has been appointed as a stand for hackney carriages during any period for which that stand has been appointed.

#### PART IV

#### REVOCATION

24. The Orders mentioned in column 1 of Schedule 5 to this Order are hereby revoked to the extent mentioned in column 2 of Schedule 5.

#### PART V

#### GENERAL

25. In so far as any provision of this Order conflicts with a provision which is contained in an Order made or having effect as if made under the Act of 1984, and existing at the time when this Order comes into operation, and which imposes a restriction or prohibition on waiting by vehicles other than those engaged in the provision of a local service, as defined in Section 2 of the Transport Act, 1985 in a bus stop area or grants an exemption from such restriction or prohibition, that provision of that Order shall prevail.

26. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

Given under the Common Seal of the Blackburn with Darwen Borough Council  
this 8<sup>th</sup> day of December 2009

THE COMMON SEAL of Blackburn with Darwen)  
Borough Council was hereunto affixed in )  
pursuance of a resolution of the Council )  
held on the 15<sup>th</sup> November 2001 )



*Linda Carter*

Authorised Officer

**SCHEDULE 1**  
**Residents Parking**  
**Monday to Saturday 8.00am – 6.00pm**

Street	Sides	Location
Shaw Street	East	From a point 2 metres south east of its junction with Devonport Road to a point 2 metres north west of its junction with Johnston Street
Nab Lane	South	From its junction with Little Peel Street for a distance of 40 metres in a north easterly direction

**SCHEDULE 2**  
**Eligibility for Permits**

Street	Properties
Shaw Street	Numbers 19-81
Montague Street	Numbers 11-13, 85-87, 91-133, 184-206
Hope Street	Numbers 1-59
Denville Road	Numbers 1-64
Melville Drive	Numbers 1-71
Higson Street	Numbers 1-49
Johnston Street	Numbers 1-81
Oakenhurst Road	Numbers 2-65, Health Centre, Social Services
Heyhurst Road	Numbers 1-15
Stonyhurst Road	Numbers 5-121
Carlinghurst Road	Numbers 1-30
Bent Street	Blackburn Ragged School

**SCHEDULE 3**  
**Charges**

Type of Permit	Charge
Resident's Permit	£10.00 per annum
Visitor's Permit	£10.00 per annum
Resident's/Visitor's Additional Permit	£10.00 per annum
Non-Resident's Permit (Businesses)	£35.00 per annum
Non-Resident's Additional Permits (Businesses)	£35.00 per annum
Transfers / Replacements	Free
Refunds	Not available

**SCHEDULE 4**

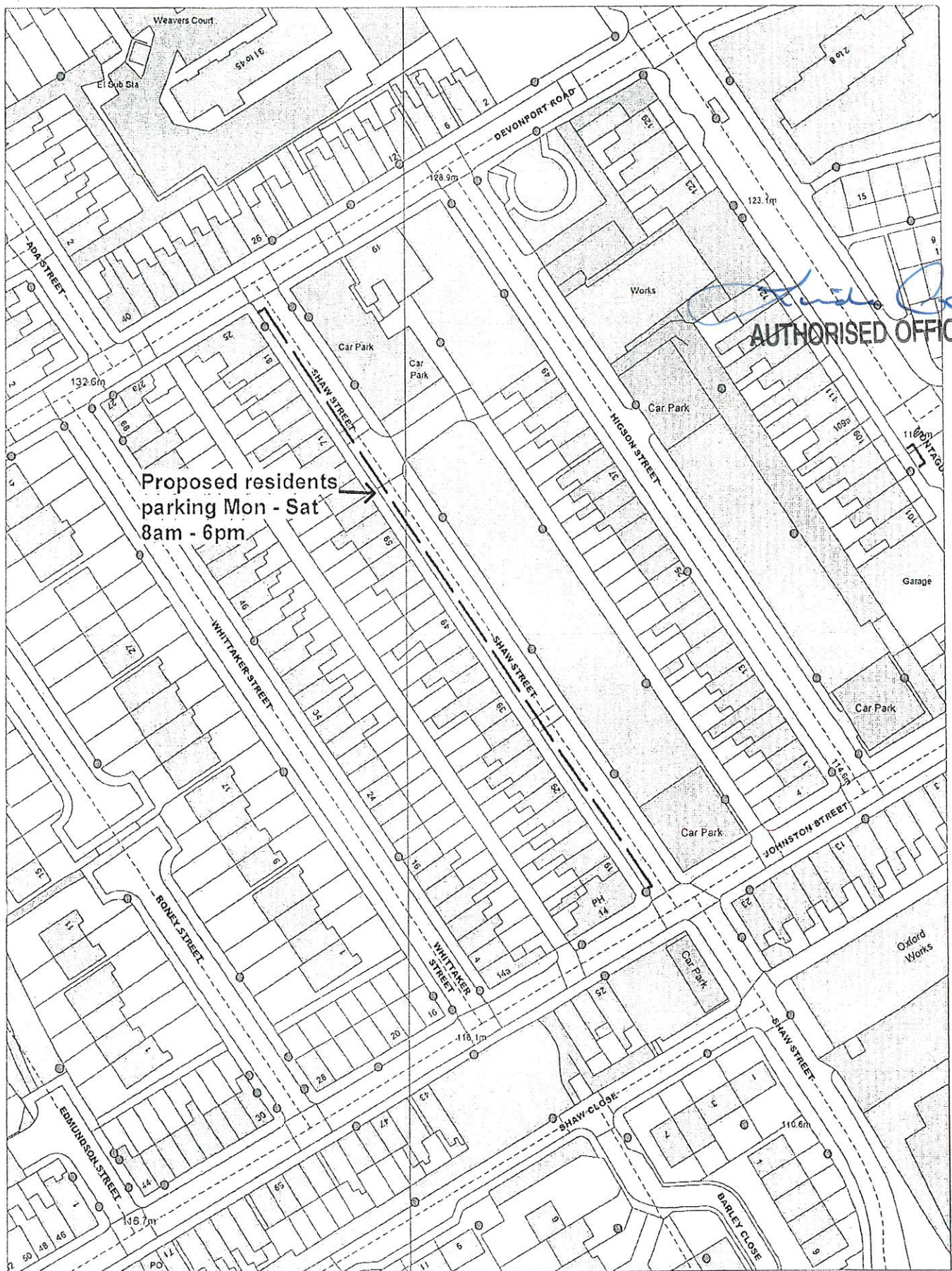
Waiting limited to 2 hours no return within 2 hours  
Monday to Saturday 8.00am - 6.00pm

Street	Sides	Location
Nab Lane	South	From its junction with Little Peel Street for a distance of 40 metres in a north easterly direction

**SCHEDULE 5**  
**Revocations**

Name of Order	Extent of Revocation
The Borough of Blackburn (Johnston Street Area, Blackburn) (Traffic Management) Order 1992	In Schedule 2 all references to Shaw Street on its south west side In Schedule 4 all references to Shaw Street
The Borough of Blackburn (Various Streets) (Prohibition and Restriction of Waiting and Revocation) Order 1994	In Schedule 2 all references to Shaw Street
The Borough of Blackburn with Darwen (Blackburn North Two) (Traffic Management and Revocation) Order 2008	In Schedule 1 reference to Nab Lane





*[Signature]*  
**AUTHORISED OFFICER**

**Proposed residents  
 parking Mon - Sat  
 8am - 6pm**



Shaw Street

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SCALE	1 : 1090
DATE	30/09/2009
DRAWING No.	
DRAWN BY	



